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Ken Alan Berkun

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EXAMINER

BENGZON, GREG C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/876,943	Applicant(s) BERKUN ET AL.	
	Examiner GREG BENZON	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been examined. Claims 1-10,12-21 are pending. Claim 11 is cancelled. Claim 21 is submitted as a new claim.

Making Final

Applicant's arguments filed 03/23/2010 have been fully considered but they are moot in view of the new grounds for rejection.

The claim amendments regarding -- '*determining that the valid database qualifies as the ground truth database*' -- and -- '*identifying, using the processor, an incorrect field of the metadata that does not match a corresponding field of the accurate metadata; and correcting the metadata associated with the media file by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata*' -- alter the scope of the claims but do not overcome the disclosure by the prior art as shown below.

The Examiner presents new grounds for rejection as necessitated by the claim amendments and is thus making this action FINAL.

Priority

This application claims benefit of priority from provisional application 60/252273 (November 21, 2000) .

The effective date of the subject matter described in the pending claims in this application is November 21,2000.

Response to Arguments

Applicant's arguments filed 03/23/2010 have been fully considered but they are moot in view of the new grounds for rejection.

The Applicant presents the following argument(s) [in italics]:

Davis and Epstein do not qualify as prior art...Davis was filed on April 20, 2001, and Epstein was filed on August 3, 2001, which are both after the effective filing date of the present application.

The Examiner respectfully disagrees with the Applicant.

The prior art by Davis and Epstein are valid prior art by virtue of their respective provisional application filing dates.

Davis claims the benefit of priority of U.S. Provisional Application No. 60198857 filed April 21,2000.

Epstein claims the benefit of priority of U.S. Provisional Application No. 60222891 filed August 3,2000.

The Applicant presents the following argument(s) [in italics]:

... In Srivastava, all of the extracted, generated, and gathered metadata is assumed to be accurate, and Srivastava is completely silent with respect to "identifying... an incorrect..., metadata" and "correcting the metadata by modifying the incorrect..., metadata based on... accurate metadata," as recited in claim 1.

The Examiner respectfully disagrees with the Applicant.

Srivastava is not relied upon to disclose *'identifying... an incorrect..., metadata" and "correcting the metadata by modifying the incorrect..., metadata based on... accurate metadata*

Epstein Paragraph 37 disclosed evaluating the metabase information, improving the quality of the metabase information, and reducing the volume of obsolete, irrelevant, or conflicting information presented to users. The metabase may modify itself based upon the metadata, for example, in order to improve the organization of the metabase information, eliminate duplicate information, or eliminate unreliable information.

The Examiner notes that the process of reducing obsolete, irrelevant, conflicting, and unreliable information inherently involves identifying incorrect metadata.

Thus Epstein disclosed (re. Claim 1) *identifying, using the processor, an incorrect field of the metadata that does not match a corresponding field of the accurate metadata;* (Epstein-Paragraph 37, evaluating the metabase information to identify obsolete, irrelevant, conflicting, and unreliable information ')

The Applicant presents the following argument(s) [in italics]:

... Davis fails to disclose or suggest comparing the metadata embedded in the image with the metadata stored outside the image. Davis also fails to disclose or suggest comparing metadata (whether embedded in the image or stored outside the image) with any accurate metadata stored in a valid database.

The Davis metadata database is relied upon to disclose an authoritative source whose accuracy is known.

Davis is not relied upon to disclose *comparing the metadata embedded in the image with the metadata stored outside the image.*

Furthermore in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *comparing the metadata embedded in the image with the metadata stored outside the image*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

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into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Chu disclosed a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object. (Chu-Abstract, Column 7 Lines 35-65) The metadata are stored in database tables with columns for storing values from each field of metadata.

Chu disclosed (re. Claim 1) *correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata.* (Chu-Column 7 Lines 30-35, *the metadata synchronizer will refresh metadata in the information catalog, if needed*).

The Applicant presents the following argument(s) [in italics]:

... in Epstein, the current metadata is simply updated with new metadata based on information provided by a user. Epstein fails to disclose or suggest that the current metadata is compared with the new metadata to identify incorrect fields in the current metadata that do not match corresponding fields in the new metadata.

Epstein is not relied upon to disclose wherein *metadata is compared with the new metadata to identify incorrect fields in the current metadata that do not match corresponding fields in the new metadata*

Chu disclosed a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object. (Chu-Abstract, Column 7 Lines 35-65) The metadata are stored in database tables with columns for storing values from each field of metadata.

Chu disclosed (re. Claim 1) *correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata.* (Chu-Column 7 Lines 30-35, *the metadata synchronizer will refresh metadata in the information catalog, if needed*).

The Applicant presents the following argument(s) [in italics]:

...Chu fails to disclose or suggest comparing corresponding fields of metadata at one location with metadata at another location to identify incorrect fields, and then modifying the incorrect fields of metadata stored at one location based on the corresponding fields of metadata at another location.

The Examiner respectfully disagrees with the Applicant.

Chu disclosed a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object. (Chu-Abstract, Column 7 Lines 35-65) The metadata are stored in database tables with columns for storing values from each field of metadata.

Chu disclosed (re. Claim 1) *correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata.* (Chu-

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Column 7 Lines 30-35, *the metadata synchronizer will refresh metadata in the information catalog, if needed*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-10, 12-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (US Patent 654922) in view of Davis (US Patent 7209571) in view of Epstein (US Publication 2002/0049738) in view of Chu et al. (US Patent 6943720).

With respect to Claim 1, Srivastava discloses a method for enhancing metadata associated with media on a communications network, said method comprising the steps of: parsing said metadata associated with said media into at least one field of metadata; (Column 1 Lines 40-65, Column 2 Lines 40-65) comparing each of said at least one field of metadata with at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field;

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(Column 5 Lines 1-5) and modifying said metadata if said compared field does not match at least one field of authoritative metadata (Column 6 Lines 15-20) *wherein code implementing the method is stored in memory of the computing system for execution by a processor of the computing system.* (Srivastava-Column 4 Lines 40-45, 'extraction module')

While Srivastava (re. Claim 1) substantially disclosed the claimed invention Srivastava did not disclose an *authoritative source whose accuracy is known* . Srivastava did not disclose wherein *the authoritative source is a source other than a person, is not said media, and is not said media source from which said metadata was retrieved*. Srivastava disclosed only querying external sources on the Internet for media annotations but did not explicitly disclose wherein *the authoritative source is a source other than a person, is not said media, and is not said media source from which said metadata was retrieved*.

Srivastava did not disclose (re. Claim 1) *upon determining that a valid database qualifies as the ground truth database: identifying, using the processor, an incorrect field of the metadata that does not match a corresponding field of the accurate metadata; and correcting the metadata associated with the media file by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata.*

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Davis disclosed a metadata server database (Davis-Column 12 Lines 35-55) for storing metadata and unique reference to the multimedia content, said unique reference being imbedded in the multimedia content. The Davis metadata database is equivalent to an authoritative source whose accuracy is known because it provides the unique reference in multimedia content, so that whenever the metadata is removed or corrupted, (Davis-Column 15-20) the unique reference may be used to find the correct metadata held by the said metadata server, so that the correct metadata is again associated with the multimedia content. Thus Srivastava would have been motivated to use Davis's metadata server database as an external source for updated media annotations that are not directly extracted from the media file itself because Davis' metadata is tamper-resistant.

Srivastava and Davis are analogous art because they present concepts and practices regarding extraction, update and management of metadata associated with media files. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a metadata database for checking the validity of metadata related to a media file as taught by Davis into the method and system described by Srivastava. The motivation for said combination would have been to provide a content signature and encrypted metadata that is tamper resistant. (Davis-Column 20, Lines 35-45)

Epstein Paragraph 99 disclosed improving the quality and usefulness of the metabase information by providing the user with relevant information about each datum in the metabase. When the user accesses a particular datum, the metabase can provide useful information to the user, such as the status of the datum (e.g., verified, disputed, yet to be disputed) and the overall credibility rating of the datum.

The Examiner notes that matching the datum with the field of metadata from the media is implicit in Epstein. The overall credibility rating by Epstein requires calculation of various ratings and is equivalent to a calculated score on which the datum may be judged as satisfactory.

Thus Epstein disclosed (re. Claim 1) calculating a score representing a degree of similarity (Epstein-Paragraph 99) between contents of at least one field of noisy metadata and contents of at least one field of metadata from the authoritative source; comparing the calculated score to a threshold value; and determining whether the authoritative source qualifies as a ground truth database, wherein the authoritative source qualifies as a ground truth database if the calculated score satisfies the threshold value. (Epstein-Paragraph 99)

Thus Epstein disclosed (re. Claim 1) *determining that a valid database qualifies as the ground truth database:* (Epstein-Paragraph 99).

Epstein Paragraph 37 disclosed evaluating the metabase information, improving the quality of the metabase information, and reducing the volume of obsolete, irrelevant, or conflicting information presented to users. The metabase may modify itself based

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upon the metadata, for example, in order to improve the organization of the metabase information, eliminate duplicate information, or eliminate unreliable information.

The Examiner notes that the process of reducing obsolete, irrelevant, conflicting, and unreliable information inherently involves identifying incorrect metadata.

Epstein disclosed (re. Claim 1) *identifying, using the processor, an incorrect field of the metadata that does not match a corresponding field of the accurate metadata;* (Epstein-Paragraph 37, evaluating the metabase information to identify obsolete, irrelevant, conflicting, and unreliable information ')

Chu disclosed a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object. (Chu-Abstract, Column 7 Lines 35-65) The metadata are stored in database tables with columns for storing values from each field of metadata.

Chu disclosed (re. Claim 1) *correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata.* (Chu-Column 7 Lines 30-35, *the metadata synchronizer will refresh metadata in the information catalog, if needed*).

Srivastava,Davis, Epstein and Chu are analogous art because they present concepts and practices regarding extraction, update and management of metadata

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associated with media files. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a credibility rating by Epstein for checking the validity of metadata related to a media file as taught by Epstein into the method and system described by Srivastava-Davis. The motivation for said combination would have been enable users to limit searches to relevant, well-categorized data.

(Epstein-Paragraph 10)

Furthermore at the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a monitoring schedule for checking the validity of metadata related to a media file as taught by Chu into the method and system described by Srivastava-Davis-Epstein. The suggested motivation would have been, as Chu suggests, to allow for situations wherein the system enables users to add or modify metadata for objects in a database. Additionally, some systems may store the metadata for the objects in multiple locations. If the metadata stored at one location changes, the metadata stored at other locations is no longer in synch. Monitoring the media files for validity results in timely updates to the metadata for the media files before the users can detect the inconsistencies in the system.

With respect to Claim 9, the applicant discloses a system with the same limitations described in Claim 1. Claim 9 is therefore rejected on the same basis as Claim 1.

With respect to Claim 10, the applicant discloses a computer readable storage medium with the same limitations described in Claim 1. Claim 10 is therefore rejected on the same basis as Claim 1.

Furthermore Srivastava-Davis-Epstein-Chu discloses (re. Claims 9,10) storing said modified metadata in an index, wherein said index is not said authoritative source, is not said media, and is not said media source from which said metadata was retrieved. (Srivastava -Column 8 Lines 45-55, '*self-contained repository*')

Claim 21 discloses a method with the same limitations described in Claim 1. Claim 21 is therefore rejected on the same basis as Claim 1.

Furthermore Chu disclosed (re. Claim 21) *determining, using a processor, if a media file is unavailable or corrupt. (Chu disclosed a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object wherein the metadata is a URL indicating the location of a file. The method may be used to check if the URL describing the location of a media file is still working after a certain period of time.)*

With respect to Claim 2, Srivastava-Davis-Epstein-Chu discloses a method in accordance with claim 1, wherein said step of modifying said metadata comprise at least one of replacing said compared field with a corresponding field of said authoritative metadata, correcting said compared field in accordance with a

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corresponding field of said authoritative metadata, and adding at least one field of authoritative metadata to said metadata. (Srivastava-Column1 Lines 40-65,Column 2 Lines 40-65)

With respect to Claim 3, Srivastava-Davis-Epstein-Chu discloses a method in accordance with claim 1, wherein said authoritative metadata is obtained from at least one of a multimedia file, a streaming media file, a uniform resource indicator (URI), a database, a media file header, a media file footer, a metatag, and a transport stream (Srivastava-Column 3 Lines 1-10 Column 4 Lines 30-60)

With respect to Claim 5, Srivastava-Davis-Epstein-Chu discloses a method in accordance with claim 1, wherein said media comprises at least one of an extension selected from the group consisting of ram, .rm, rpm, .mov, .qif.wma, .cmr, .avi, .swf, .swl .mpg, .mpa, .mp1, .mp2, .mp3, m3a, and .m3u. (Srivastava-Column 1 Lines 20-50 Column 4 Lines 30-60)

With respect to Claim 6, Srivastava-Davis-Epstein-Chu discloses a method in accordance with claim 1, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media.(Srivastava-Column 2 Lines 20-40)

With respect to Claim 7, Srivastava-Davis-Epstein-Chu discloses a method in accordance with claim 1, wherein said media comprises at least one of multimedia and streaming media. (Srivastava-Column 2 Lines 20-40 Column 4 Lines 30-60)

With respect to Claim 8, Srivastava-Davis-Epstein-Chu discloses a method in accordance with claim 1, wherein said communications network is a computer network.(Srivastava-Figure 1)

With respect to Claim 13, Srivastava-Davis-Epstein-Chu discloses wherein said media comprises at least one of an extension selected from the group consisting of .ram, .rm, .rpm, .mov, .qif, .wma, .cmr, .avi, .swf, .swl, .mpg, .mpa, .mp1, .mp2, .mp3, m3a, and .m3u (Srivastava-Column 1 Lines 20-50 Column 4 Lines 30-60)

With respect to Claim 14, Srivastava-Davis-Epstein-Chu discloses wherein said modify metadata code segment performs at least one of replacing said compared field with a corresponding field of said authoritative metadata, (Srivastava -Column 5 Lines 1-5, '*advanced querying*', Chu-Column 7 Lines 30-35, *the metadata synchronizer will refresh metadata in the information catalog, if needed*)

correcting said compared field in accordance with a corresponding field of said authoritative metadata, (Chu-Column 7 Lines 30-35, *the metadata synchronizer will refresh metadata in the information catalog, if needed*).

and adding at least one field of authoritative metadata to said metadata.
(Srivastava-Column 1 Lines 40-65, Column 2 Lines 40-65, Column 6 Lines 15-20, '*overriding annotations with completely new set*')

With respect to Claim 15, Srivastava-Davis-Epstein-Chu discloses wherein said authoritative metadata is obtained from at least one of a multimedia file, a streaming

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media file, a uniform resource indicator (URI), a database, a media file header, a media file footer, a metatag, and a transport stream. (Srivastava-Column 3 Lines 1-10 Column 4 Lines 30-60)

With respect to Claim 16, Srivastava-Davis-Epstein-Chu discloses wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media. (Srivastava-Column 2 Lines 20-40, '*copyright notices*'))

With respect to Claim 17, Srivastava-Davis-Epstein-Chu discloses wherein said media is at least one of streaming media and multimedia files formatted in at least one of a plurality of formats. (Srivastava-Column 1 Lines 40-60, Column 2 Lines 25-40 Column 4 Lines 30-60)

With respect to Claims 18-20, Srivastava-Davis substantially disclosed the claimed invention as described in the rejection for Claim 1.

However Srivastava-Davis did not disclose (re. Claim 18,19,20) calculating a score representing a degree of similarity between contents of at least one field of noisy metadata and contents of at least one field of metadata from the authoritative source; comparing the calculated score to a threshold value; and determining whether the authoritative source qualifies as a ground truth database, wherein the authoritative

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source qualifies as a ground truth database if the calculated score satisfies the threshold value.

Epstein Paragraph 99 disclosed improving the quality and usefulness of the metabase information by providing the user with relevant information about each datum in the metabase. When the user accesses a particular datum, the metabase can provide useful information to the user, such as the status of the datum (e.g., verified, disputed, yet to be disputed) and the overall credibility rating of the datum.

The Examiner notes that matching the datum with the field of metadata from the media is implicit in Epstein. The overall credibility rating by Epstein requires calculation of various ratings and is equivalent to a calculated score on which the datum may be judged as satisfactory.

Thus Epstein disclosed (re. Claim 18,19,20) calculating a score representing a degree of similarity (Epstein-Paragraph 99) between contents of at least one field of noisy metadata and contents of at least one field of metadata from the authoritative source; comparing the calculated score to a threshold value; and determining whether the authoritative source qualifies as a ground truth database, wherein the authoritative source qualifies as a ground truth database if the calculated score satisfies the threshold value. (Epstein-Paragraph 99)

Srivastava, Davis and Epstein are analogous art because they present concepts and practices regarding extraction, update and management of metadata associated with media files. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a credibility rating by Epstein for checking the

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validity of metadata related to a media file as taught by Epstein into the method and system described by Srivastava-Davis. The motivation for said combination would have been enable users to limit searches to relevant, well-categorized data. (Epstein-Paragraph 10)

With respect to Claims 4 and 12, Srivastava-Davis substantially disclosed the claimed invention as described in the rejection for Claim 1.

Furthermore with respect to Claims 4 and 12 Srivastava-Davis discloses receiving said metadata and corresponding media files, wherein said corresponding media files are formatted in at least one of a plurality of formats; providing media files formatted in the same format and associated metadata to a corresponding format specific metadata extractor; (Srivastava-Figure 1, Column 2 Lines 40-65, Column 4 Lines 30-60, Column 5 Lines 1-5, Column 6 Lines 15-20)

However, with respect to Claims 4,12 Srivastava-Davis does not disclose determining if a media file is unavailable or corrupt; and if said media file is unavailable or corrupt, performing said step of comparing at a predetermined time in the future.

Chu discloses (re. Claim 4, 12) a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object. The method may be used to check if the URL describing the location of a

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media file is still working after a certain period of time. (Chu-Abstract, Column 7 Lines 35-65)

Srivastava, Davis, Epstein and Chu are analogous art because they present concepts and practices regarding extraction, update and management of metadata associated with media files. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a monitoring schedule for checking the validity of metadata related to a media file as taught by Chu into the method and system described by Srivastava-Davis. The suggested motivation would have been, as Chu suggests, to allow for situations wherein the system enables users to add or modify metadata for objects in a database. Additionally, some systems may store the metadata for the objects in multiple locations. If the metadata stored at one location changes, the metadata stored at other locations is no longer in synch. Monitoring the media files for validity results in timely updates to the metadata for the media files before the users can detect the inconsistencies in the system.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG BENGZON whose telephone number is (571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. B./
Examiner, Art Unit 2444

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444

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